

**REMARKS**Drawing rejections under 37 CAR 1.83 (a)

The Office Action rejects the drawings under 37 CAR 1.83 (a) for failing to show every feature of the invention specified in the claims. Specifically, the Office Action states that features in claims 11-14, 17 and 18 are not shown in the drawings.

Applicant has amended the drawings to show all elements claimed in claims 11-14, 17 and 18. Applicant therefore submits the drawing objection has been overcome. Further, all features claimed in claims 1-20 now pending in this application are shown in the figures as amended.

Rejection under 35 U.S.C. § 103 (a)

The Office Action rejected all original claims 1-19 on the ground of obviousness, under 35 U.S.C. § 103 (a) as being unpatentable over Hackett in view of Rice, Oudsten et al, Lee et al, and McGonigle et al. Claims 1-20 are now pending in this action.

Generally, the invention set forth in pending claims 1-20 relates to a vehicle having a chassis with a drop deck mounted to the chassis, a vehicle body having a plurality of walls and a ceiling, and a hingedly attached hatch door. The drop deck, vehicle body, and hatch door define a storage compartment that may be used to store a variety of objects, such as snowmobiles and other small vehicles. The drop deck may be raised and lowered by hydraulic cylinders and may be secured in a closed position with a latching device attached to the chassis. The present invention further includes a

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door on an interior wall of the storage compartment to provide access between the storage compartment and other interior spaces of the vehicle, and a winch device, cable and dolly to aid in loading and unloading of the object being stored.

With respect to claims 1-20 pending in this action, the Office Action generally states that Hackett discloses a vehicle having a hatch door and a movable floor, but does not disclose a floor that pivots, an associated dolly and winch nor sensors. The Office Action states Rice and Oudsten et al disclose a floor that pivots around a hinge, Lee et al disclose a dolly and winch, and McGonigle et al disclose the use of sensors. The Office Action further states it would have been obvious to a mechanic having ordinary skill in the art at the time the invention was made to provide these features to the primary reference (Hackett).

Specifically, Hackett discloses a wheelchair transport vehicle having a side loading door and a lifting platform. Access to the lifting platform is achieved through the side loading door. The door is hingedly attached to the roof of the vehicle and the lifting platform is raised and lowered by electric motor screw jacks operating simultaneously. Alternatively, the jacks can be powered by a hydraulic system.

Rice discloses a residential motor coach having means for transporting, loading and unloading a smaller vehicle. The means include a pivotally attached ramp and a hinged closure leading to a space within the motor coach. Oudsten et al disclose a transport vehicle having a ramp structure at floor level that may be used as the entry way for passengers and can be deployed to form a ramp to allow wheelchair occupants

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to enter the vehicle. The ramp structure includes a fixed platform panel, a primary ramp panel and a secondary ramp panel pivotally connected to the primary ramp panel.

Lee et al disclose a device for loading cargo into a vehicle. The device includes a frame member, a winch and a cargo holder and is configured to be removably attached to the inside of a vehicle with latches. The winch is used to aid in loading the cargo holder.

McGonigle et al disclose a control system for automatically loading and unloading a vehicle such as a helicopter, including a hydraulic cart assembly, a plurality of distance measuring sensors and a control system that is responsive to signals from the distance measuring sensors. The sensors are positioned within the cargo compartment and on the helicopter to aid in positioning the helicopter within the cargo compartment.

### ANALYSIS

Applicant submits that independent claims 1 and 19, as amended, are directed at an inventive structural configuration of a vehicle having a storage compartment to enclose an auxiliary load. The vehicle of claim 1, as amended, includes a chassis, a drop deck pivotally mounted to the chassis, and a body mounted to the chassis comprising body walls and a ceiling. A hatch is hingedly attached to the body, such that the body walls, ceiling, drop deck and hatch define a storage compartment. The vehicle of claim 19, as amended, includes a body mounted to a chassis and a drop deck connected to the chassis configured to be movable from a closed to an open

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position. The body includes a plurality of body walls and a ceiling. At least one hatch is hingedly connected to the body and the plurality of walls, drop deck and hatch define a storage compartment. Means are included to raise the drop deck to a closed position and lower the drop deck to an open position. Means are also provided to secure the drop deck in the closed position.

Applicant respectfully submits that none of the references cited in the Office Action, alone or in combination, disclose or suggest a vehicle having the structural configurations set forth in independent claims 1 and 19, as amended. The Office Action contends that Hackett discloses a hatch door and a movable floor, Rice and Oudsten et al. disclose a floor that pivots around a hinge, Lee et al. disclose the use of a dolly and winch and McGonigle et al. disclose the use of sensors. However, none of the prior art references disclose any suggestion or motivation to combine the teachings in these references.

Not only is there no suggestion or motivation to combine the teachings of the cited prior art references, the references in combination do not disclose all of the elements claimed in independent claims 1 and 19 as amended. Independent claim 1, as amended, requires a drop deck pivotally mounted to a chassis. None of the prior art references cited disclose this structural limitation. Likewise, independent claim 19, as amended, includes means to raise the drop deck to a closed and lower the drop deck to an open position, and means to secure the drop deck in the closed position. None of the prior art references cited disclose these structural elements.

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Further, although Hackett discloses a hatch door and a movable floor, the movable floor of Hackett does not provide the advantages of the drop deck of the present invention. The Hackett reference teaches removing a portion of the vehicle frame and replacing it with a movable floor. Removal of a portion of the frame would severely weaken the stability of the vehicle structure. The present invention provides a drop deck configured to be mounted to the chassis without loss of structural integrity. This unique incorporation of the drop deck and chassis allows the vehicle to not only maintain structural stability but also enables the vehicle to bear the weight of an auxiliary load item.

Rice and Oudsten et al are cited for disclosing a pivotal floor. Oudsten et al disclose a ramp structure that can be mounted to the interior of a vehicle and Rice discloses ramps that are pivotally mounted to a ramp portion located within the interior of the vehicle. Neither of these cited references disclose or suggest the chassis mounted drop deck of the present invention. Both Rice and Oudsten et al, teach the use of a ramp structure pivotally connected to a component that is not integral to the vehicle and that is located within the interior of the vehicle. Nor do these references provide any motivation or suggestion to include a pivotal ramp disclosed within these references with the invention disclosed in Hackett.

The Office Action further states that Lee et al disclose the use of a dolly and winch. Applicant concedes that Lee et al disclose a dolly and winch, however they do not disclose the inventive combination of using a dolly and winch with the vehicle

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configuration of the present invention. Nor is there any suggestion or motivation to combine the teachings of this reference with that of Hackett. Further, the elements of a dolly and winch are not present in independent claims 1 and 19, as amended, and therefore are not relevant to patentability of those claims.

Lastly, the Office Action states that McGonigle et al disclose the use of sensors. The sensors disclosed in McGonigle et al are motion sensors used to position a helicopter within a storage compartment and are not the type of sensors claimed in the present invention. The present invention claims the use of sensors to detect such events as the position of the drop deck or status of the vehicle motion. Moreover, as with the winch and dolly, sensors are not a required element claimed in independent claims 1 and 19 as amended and are therefore not relevant to the patentability of those claims.

Applicant respectfully submits that for the reasons set forth above, examiner has not met the burden of establishing a *prima facie* case of obviousness as required by the Manual of Patent Examiners (MPEP). The MPEP Section 2142 states the burden for establishing a *prima facie* case of obviousness as follows:

"To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure."

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There is no suggestion or motivation within the prior art of record to combine the references. Furthermore, none of the references, alone or in combination, suggest or teach all claim limitations in independent claims 1 and 19, as amended. Accordingly, Applicant submits that independent claims 1 and 19 are patentable for the reasons set forth above, as are the claims which depend from these independent claims (dependent claims 2-18 and 20). Applicant respectfully request the rejection of claims 1-19 under §103(a) be withdrawn, and that all claims pending 1-20 be allowed.

### CONCLUSION

Accordingly, Applicant submits that independent claims 1 and 19, as amended, are patentable for the reasons set forth above, as are the claims which depend from these independent claims (dependent claims 2-18 and 20). Applicant respectfully request all rejections be withdrawn, and that all claims pending 1-20 be allowed.

Examiner noted that the prior art of record was considered pertinent to Applicant's disclosure. Applicant has reviewed the prior art of record and contends they do not adversely bear on the patentability of the pending claims.

In light of the foregoing, Applicant respectfully submits that each item set forth in the Office Action dated April 15, 2003 has been addressed. Further, Applicant submits that all claims are now in condition for allowance and respectfully request such allowance.

In the event any further matters requiring attention are noted by the Examiner or in the event that prosecution of this application can otherwise be advanced thereby, a

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telephone call to Applicant's undersigned representative at the number shown below is invited.

A Petition for Three Month Extension of Time is being filed concurrently with this Response.

Respectfully submitted,

Dated: 9/29/03

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